

Handwritten initials



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,059	11/12/2003	Tsuyoshi Yamamoto	81784.0290	6351

26021                      7590                      10/16/2006

HOGAN & HARTSON L.L.P.  
1999 AVENUE OF THE STARS  
SUITE 1400  
LOS ANGELES, CA 90067

EXAMINER

ALUNKAL, THOMAS D

ART UNIT	PAPER NUMBER
----------	--------------

2627

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/706,059

Applicant(s)

YAMAMOTO ET AL.

Examiner

Thomas D. Alunkal

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/20/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4** rejected under 35 U.S.C. 103(a) as being unpatentable over Akagi et al (**U.S. 6,434,096**) in view of Matsumoto (**U.S. 7,046,600**), as applied in the last Office Action mailed 7/7/06.

Applicant's arguments filed 5/14/03 have been fully considered but they are not persuasive.

1. In paragraph 1 on page 6 of applicant's arguments, applicant argues that "Nowhere does Matsumoto mention setting an offset value supplied to a tilt adjustment coil based on the *B* value". According to the previous office action, Matsumoto is relied upon as disclosing the use of a maximum beta value obtained from a reproduction signal. Akagi, on the other hand, is relied upon as disclosing setting an offset value supplied to a tilt adjustment coil. Thus, according to the previous Office Action sent to applicant, Matsumoto was never relied upon to disclose the setting an offset value supplied to a tilt adjustment coil.

2. In paragraph 2 on page 6, applicant argues that "Akagi describes using a tilt sensor to detect an offset, nowhere does Akagi describe performing control of a current supplied to a tilt adjustment coil based on the offset adjustment signal". As stated in the previous Office Action, Figure 17, Elements 318, 320, 312, 313 and 403, as well as Column 35, lines 8-18 of Akagi et al disclose that the current supplied to a tilt adjustment coil (Figure 17, Element 403) is based on an offset adjustment signal (Figure 17, Elements 318, 320, and 312). This clearly shows that Akagi et al disclose performing control of a current supplied to a tilt adjustment coil based on the offset adjustment signal.

3. In paragraph 3 on page 6, applicant argues that it would not have been obvious to attempt a combination of the art disclosed by both Matsumoto and Akagi as applied in the previous Office Action. Based on the rebuttals to applicant's arguments in paragraphs 1 and 2 above, and the motivation for combination stated in the previous Office Action, it would have been obvious to combine the disclosed teachings of Matsumoto and Akagi. As stated in the previous Office Action, in column 2, lines 58-76, Column 3, lines 13-16, and Column 4, lines 1-5, Akagi et al disclose problems that arise from optical pickup defects. All of the problems listed by Akagi et al, in turn, results in poor recording quality. Matsumoto discloses the use of a setting a driving signal level based on a maximum .beta. value (see Column 11, lines 1-4, Figure 5, Element 24 and Figure 3). Here, Figure 3 shows that there is a decrease in error value with a maximum .beta. value. Thus, one of ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Akagi et al and those of Matsumoto

Art Unit: 2627

because Matsumoto discloses reducing error value, that in turn increases recording efficiency, which helps improve the deficiencies disclosed above by Akagi et al.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-<sup>7582</sup>~~4549~~. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas Alunkal  
Patent Examiner



WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER